

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated June 9, 2003. A Petition for Extension of Time (three months) and the fee therefor are enclosed.

Applicant has amended Figure 1 to correct an obvious typographical error in the formal drawings which have been generated based on the original set of drawings.

In the opening paragraph, at page 2 of the Office Action, the Examiner asserts that the provisional application of this application fails to provide adequate support for claims 1-28 of this application. Applicant respectfully disagrees, but will not comment further thereon, since the prior art of record antedates the date of priority claimed under 35 U.S.C. §119(e).

The objection to claims 1-28, because of the abbreviations A/R and SP/V have been noted and addressed.

Claims 1-28 stand rejected under §112, second paragraph, on the basis of an objection to the phrase "and/or". Applicant respectfully traverses the assertion that that term used in the claims constitutes alternative language. With modern searching tools, it is possible to find thousands, if not tens of thousands, of patents that utilize the phrase "and/or" in claims. For example, if one were to claim an automobile with a passenger cabin for accommodating male and/or female passengers, the "and/or" recitation *per se* does not result in an objectionable alternate structural language. So too in the present situation. In claim 1, the applicant refers to an A/R DB, which is a database which comprises "user-based" records. Those records can hold information regarding assets or relationships or both. The structure of the database is not altered, depending on whether those records are of assets of the users, or relationships of the users, or both. The same is true of the SP/V data records, which are data records that are vendor referenced. The key is that they are vendor referenced. The vendors can supply services or products, or both. The database does not change thereby. Accordingly, applicant respectfully requests the Examiner to reconsider and rescind the rejection on the grounds of §112, second paragraph.

Substantively, claims 1-7 are asserted to be anticipated by Harrington (5,895,454) and claims 8-28 are asserted to be obvious over Harrington, in view of Barlow (6,038,551).

Reconsideration is requested in view of the following remarks.

The invention of claim 1 differs in a fundamental manner from the literally tens of thousands of reference examples that are found in the patent, as well as in the non-patent, literature and which concern e-commerce. In a typical e-commerce application, a system is provided which enables a user or a purchaser to access vendor-based data records, through her computer terminal or the like.

In marked contrast, and as indicated in the preamble of claim 1, the present invention is an "asset tracking, managing and servicing system", rather than being the commonplace e-commerce purchasing or information gathering system of the prior art. The asset tracking, managing and servicing system of the present invention comprises "a user-referenced subsystem including, for each of a plurality of users, a respective A/R DB (user-based assets and/or information data records) and further includes an associator and a request processor".

Operating in conjunction and in harmony with this user-referenced subsystem and database, is an agglomerate in the form of "a plurality of service/product, vendor-referenced, databases comprising SP/V data records that relate to corresponding user A/R data records".

Finally, in the system of claim 1, a C/C (control/communication) subsystem enables interaction between the two data record databases, in a manner that creates "current user information", including via interactions initiated by vendors.

Claim 1, as properly interpreted, therefore calls for a unique database, which essentially describes and defines the assets or the information that numerous individuals own or records that individuals have created in the database for the purpose of receiving information relative thereto and/or perhaps to keep current that user information. That user information may define the automobiles that a person owns, the insurance policies that that person has procured, the home the individual owns and other attributes thereof, etc.

Instead of the individual laboriously dealing with the vast array of product and services providers and their e-commerce systems, which a user would have to resort to on an individual basis to search for pertinent information, the system of the present invention automatically

utilizes those e-commerce records and attempts to find where and how they can be a source to provide "current" information for the data records that pertain to the assets and information of the individual users, which reside in the A/R DB database. Significantly, this happens in a variety of ways, but "including via interactions initiated by vendors". In other words, since the individuals have agreed to place information about their assets and the services that they require on a public or common database shared by others, vendors are able to approach those individual records to either provide additional assets or services or to update assets or services or to replace existing assets or services based on criteria that has been specified in the protocol which is part of the control/communications subsystem of claim 1.

Respectfully, no analog or even similar structure or functionality is provided by the primary Harrington reference. Rather, Harrington is representative of the typical e-commerce application in a unique embodiment or form thereof. The only "user", or in the language of the Harrington patent "client" database, is in the form of the client browser application 13. Clearly, a browser allows an individual user to enter information that that user is interested in obtaining information relative thereto. But, this prior art is entirely silent regarding the claimed A/R DB of claim 1. Nor is there any description in this reference of a vendor being able to comb a particular database, which holds the personal data records of a plurality of users, in order to initiate a proposal or to take action relative to the private assets or information of those individuals.

Thus, both in structure and functionality, Harrington is far from being identical to the present invention, as required for a rejection based on "anticipation". To the contrary, this reference describes a typical e-commerce system that discloses a particular mode of operation thereof, including via two levels of databases. However, none of the drawings or description of this reference discloses the user-based database which holds the information about the assets and services utilized by individuals, as in claim 1. Nor is there any description in this reference of a system where transactions occur as a result of initiative taken by vendors.

In this connection, applicant notes that in claim 8, mention is made of a security controller that is operable to set a variety of authorization levels that determine and select those A/R data records to which the request processor shall have access. This type of limitation is representative of the concept of the present invention, whereby at least in certain circumstances,

interactions commence through vendor initiated activities. It is unheard of in context of a web browser, to have such a security facility, inasmuch as the typical transactions are initiated by the user to vendors of products and services, and not the other way around, in the sense of the present invention.

The foregoing discussion is certainly applicable to claim 1 and, therefore, to all of the remaining claims in the application which depend therefrom. Inasmuch as the primary reference is fundamentally different from the present invention, it is respectfully submitted that it is not necessary to address the remaining and specific rejections on the basis of either Harrington or Harrington in combination with Barlow.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 9, 2003

Max Moskowitz

Name of applicant, assignee or
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Signature

December 8, 2003

Date of Signature

Respectfully submitted,

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